

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

FREDRICK A. MOORE, JR.,	:	Case No. 3:13-cv-156
Plaintiff,		
vs.	:	District Judge Walter H. Rice
		Magistrate Judge Michael J. Newman
TRUE BLUE, INC.,		
Defendant.	:	

REPORT AND RECOMMENDATION¹

This is the second *pro se* case filed by the same Plaintiff within a seven-day period. Plaintiff sought leave to proceed *in forma pauperis* (“IFP”) in both cases. The Court granted his IFP request in his first case and, having reviewed the merits of the complaint, recommended dismissal as frivolous. *Moore v. Labor Ready*, No. 3:13-cv-147 (S.D. Ohio May 17, 2013) (doc. 5). In this, the second case, the Court, when reviewing Plaintiff’s IFP application, noted that he provided different financial information than in his first IFP application. In light of this discrepancy, the Court Ordered Plaintiff to produce copies of his pay stubs (referenced in his IFP application) on or before May 31, 2013. Doc. 4. Recognizing that Plaintiff has not complied with that Order, and has not provided any documents for the Court’s review, the Court **RECOMMENDS** that Plaintiff’s request for IFP status (doc. 1) be **DENIED**, and this case be **CLOSED**.

If Plaintiff nonetheless seeks to proceed on the claims asserted here, the Court further **RECOMMENDS** that Plaintiff be **ADVISED** he may pay the full filing fee and re-file his complaint within the appropriate limitations period. To that end, this recommended dismissal is

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

without prejudice.

June 6, 2013

s/ **Michael J. Newman**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendation. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B)(C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).